



CERTIFICATE OF MAILING 37 C.F.R 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
December 9, 2003 Date	 Timothy S. Corder

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark E. Van Dyke, et al.

Serial No.: 10/606,279

Filed: June 24, 2003

For: KERATIN-SILICONE COPOLYMERS AND
INTERPENETRATING NETWORKS
(IPN'S), METHODS OF PRODUCTION
AND METHODS OF USE THEREOF

Group Art Unit: 1772

Examiner: Unknown

Atty. Dkt. No.: KER020/4-025US

Confirmation No. 3334

12/15/2003 SDEBQB1 00000005 10606279

02 FC:1460

130.00 GP

PETITION UNDER CFR §1.47

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The inventors of the captioned application are Mark E. Van Dyke, Cheryl R. Blanchard, and Robert Allen Smith. The application has been assigned to Keraplast Technologies, Ltd. Two of the inventors, Mark E. Van Dyke and Cheryl R. Blanchard have refused to join in the prosecution of the application and have refused to sign the declaration.

Mark E. Van Dyke is an employee of Southwest Research Institute in San Antonio, TX. Cheryl R. Blanchard is a former employee of Southwest Research Institute and was an employee of that Institute at the time the invention of the present application was made. Because of an ongoing litigation (*Keraplast Technologies, Ltd. v. Southwest Research Institute and Mark E. Van Dyke*; In the 225th District Court of Bexar County, Texas, Cause No. 2002CI09879)

Applicant's representative has been instructed to communicate with the inventors through Louis Rodriguez, Deputy General Counsel for Southwest Research Institute.

A copy of the application and claims, and an inventor's declaration were sent to the inventors through Louis Rodriguez, Deputy General Counsel for Southwest Research Institute on November 4, 2003 (see Exhibit A attached hereto). Assignments were also sent, but were determined to be unnecessary because, as indicated by Mr. Rodriguez in his letter of November 14, the inventions have previously been assigned to Keraplast Technologies, Ltd. Those assignments are being submitted for recordation. Spaces were provided in the letter of November 4, 2003 for Drs. Van Dyke and Blanchard to indicate whether they are not inventors of the claimed subject matter, or alternatively, that they are inventors but refuse to sign the declaration. The letter also indicates that if no response was received, then that would be taken as an indication that the inventorship is correct, and that the application would be prosecuted without the signatures of either or both inventors.

By letter dated November 10, 2003, Mr. Rodriguez confirmed receipt of the documents (see Exhibit B attached hereto). By letter dated November 10, 2003, applicant responded to Exhibit B by again stating that if we did not receive an indication that the listed inventors would cooperate in the prosecution of this application by November 14, 2003, we would take it as an indication that the listed inventorship was correct and that the co-inventors, Mark Van Dyke and Cheryl R. Blanchard, refused to join in the prosecution (see Exhibit C). By letter dated November 14, 2003, Mr. Rodriguez responded to Exhibit C, but the inventors have not signed the declaration and are thus considered to be refusing to join in the prosecution of this application (see Exhibit D).

The last known addresses for the non-signing inventors are:

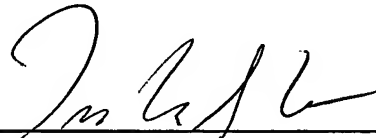
Mark E. Van Dyke
8507 Percheron Circle
Fair Oaks Ranch, TX 78015

Cheryl R. Blanchard
111 Lakeland Drive
Warsaw, IN 46580.

We therefore request that this application be accepted without the signatures of inventors Mark E. Van Dyke and Cheryl R. Blanchard, who have been provided the application including the claims and the declaration through their attorney, Mr. Rodriguez, and have refused to join in the prosecution of this application.

The Commissioner is hereby authorized to charge \$130.00 for the fee as set forth in 37 C.F.R. § 1.17(i) for filing by other than all the inventors as indicated on the enclosed Credit Card Payment Form. If the referenced authorization is inadvertently omitted or deficient, or should an overpayment be included herein, the Commissioner is authorized to appropriately deduct or credit the requisite amount from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/KER020/4-025US.

Respectfully submitted,



Timothy S. Corder
Reg. No. 38,414
Agent for Applicant

Vinson & Elkins L.L.P.
2300 First City Tower
1001 Fannin
Houston, Texas 77002-6760
512-542-8446

Date: December 9, 2003



VINSON & ELKINS L.L.P.
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AUSTIN, TEXAS 78746
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Timothy S. Corder
Direct Dial 512-542-8446
Direct Fax 512-236-3377
tcorder@velaw.com

November 4, 2003

Louis Rodriguez, Esq.
Southwest Research Institute
6220 Culebra Road
P.O. Drawer 28510
San Antonio, TX 78228-0510

Re: *U.S. Patent Application S.N. 10/606,279 for "KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING NETWORKS (IPN's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF" by Mark E. Van Dyke et al.*
Our Ref. No.: KER020/4-025US; Client Ref. No.: Case 19
ACTION: PLEASE RETURN EXECUTED DOCUMENTS BY NOVEMBER 14, 2003

Dear Mr. Rodriguez:

Enclosed is a copy of the above-referenced patent application as filed with the U.S. Patent and Trademark Office.

Please have the documents reviewed by Mark E. Van Dyke and Cheryl R. Blanchard for their determinations of whether they are in fact inventors of the claimed inventions. They should consider each claim individually and determine whether they made any contribution to the conception of the subject matter of any claim. If they did so, then they are rightfully inventors of the patent application.

Please also provide a list of which claims each inventor contributed to so that if certain claims are canceled or amended, and those cancellations or amendments remove the entire contribution of a listed inventor, inventorship can be corrected at that time.

We have filed this application in the belief that the correct inventors are Mark E. Van Dyke, Cheryl R. Blanchard and Robert A. Smith.

If your investigation confirms that Drs. Van Dyke and Blanchard are inventors, please have them execute the enclosed inventors' declaration and return it to us by November 14, 2003. In addition, please have them execute the assignments of their rights in this application to Southwest Research Institute (Assignments are enclosed). Also please have the enclosed assignment from Southwest Research Institute to Keraplast Technologies, Ltd. ("Keraplast") executed and return it to me.

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Louis Rodriguez, Esq.

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November 4, 2003

Please look over the documents, have them signed and dated in the appropriate places and return them to me at your earliest convenience. Please note on the Declaration that a residence address is required by the U.S. Patent Office. Also please note that the Assignments must be signed before a notary.

If for any reason, either Dr. Van Dyke or Dr. Blanchard refuses to sign the declaration, please indicate in the appropriate space below and return this letter to me.

_____ I, Mark E. Van Dyke have read and understood the enclosed application in its entirety, including the claims, and I am not an inventor of any of the claims.

_____ I, Mark E. Van Dyke have read and understood the enclosed application in its entirety, including the claims, and I am an inventor of at least one of the claims, but I refuse to join in the prosecution of this application by signing the enclosed declaration, which I have also read and understood.

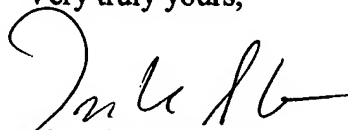
_____ I, Cheryl R. Blanchard have read and understood the enclosed application in its entirety, including the claims, and I am not an inventor of any of the claims.

_____ I, Cheryl R. Blanchard have read and understood the enclosed application in its entirety, including the claims, and I am an inventor of at least one of the claims, but I refuse to join in the prosecution of this application by signing the enclosed declaration, which I have also read and understood.

If I do not receive a response to this letter by November 14, 2003, I will take that as an indication that the listed inventorship is correct and that the co-inventors, Drs. Van Dyke and Blanchard refuse to join in the prosecution. The application will then be prosecuted without their signatures.

Please contact me if you have any questions concerning this matter.

Very truly yours,



Timothy S. Corder
Patent Agent

9282:5588

Enclosure

cc: Mr. Tim H. Herring (w/o encl.)
P. Michael Hebert, Esq. (w/o encl.)
Dr. Donald R. Cowsar (w/o encl.)

394830_1.DOC

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING
NETWORKS (IPS's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF**

the specification of which:

(check one)

☐ is attached hereto.

☒ was filed on June 24, 2003, as Application Serial No. 10/606,279 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
-------------------	--------------------	---------------------------------

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____ 60/390,905 (Application Serial No.)	_____ June 24, 2002 (Filing Date)
---	---

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the

subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in 37 CFR Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Mark E. Van Dyke

Inventor's Signature: _____ Date: _____

Country of Residence: _____ Citizenship: _____

Post Office Address: _____
(Include number, street name, city, state and zip code)

Inventor's Full Name: Cheryl R. Blanchard

Inventor's Signature: _____ Date: _____

Country of Residence: _____ Citizenship: _____

Post Office Address: _____
(Include number, street name, city, state and zip code)

Inventor's Full Name: Robert A. Smith

Inventor's Signature: _____ Date: _____

Country of Residence: _____ Citizenship: _____

Post Office Address: _____
(Include number, street name, city, state and zip code)

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Southwest Research Institute (the "Assignee"), having a place of business at 6220 Culebra Road, San Antonio, TX 78228-0510, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/606,279 filed on June 24, 2003, and is entitled KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING NETWORKS (IPN's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement effecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

By: _____
Mark E. Van Dyke

Date: _____

BEFORE ME, the undersigned authority, on this _____ day of _____, 2003, personally appeared Mark E. Van Dyke, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Keraplast Technologies, Ltd. (the "Assignee"), having a place of business at 19206 Huebner Road, Suite 102, San Antonio, Texas 78258, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/606,279 filed on June 24, 2003, and is entitled KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING NETWORKS (IPN's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement effecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: _____ Date: _____
Name: Cheryl R. Blanchard

BEFORE ME, the undersigned authority, on this ____ day of _____, 2002, personally appeared Cheryl R. Blanchard known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Keraplast Technologies, Ltd. (the "Assignee"), having a place of business at 19206 Huebner Road, Suite 102, San Antonio, Texas 78258, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/606,279 filed on June 24, 2003, and is entitled KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING NETWORKS (IPN's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement effecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

SOUTHWEST RESEARCH INSTITUTE

By: _____
Name: _____
Title: _____

Date: _____

BEFORE ME, the undersigned authority, on this _____ day of _____, 2003,
personally appeared _____, as _____ of Southwest Research
Institute., known to me to be the person whose name is subscribed to the foregoing instrument and
acknowledge to me that he executed the same of his own free will for the purposes and consideration
therein expressed.

Notary or Consular Officer

[SEAL]

SOUTHWEST RESEARCH INSTITUTE®

8220 CULEBRA RD. 78238-5188 • P.O. DRAWER 28510 78228-0510 • SAN ANTONIO, TEXAS, USA • (210) 684-6111 • WWW.SWRI.ORG

November 10, 2003

Mr. Timothy S. Corder
Patent Agent
Vinson & Elkins L.L.P.
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746

Via Facsimile
(512) 236-3377

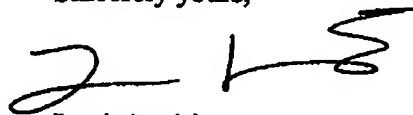
Re: U.S. Patent Application Serial Number 10/606,279 for *Keratin-Silicone Copolymers and Interpenetrating Networks (IPN's), Methods of Production and Methods of Use Thereof*

Dear Mr. Corder:

I am in receipt of your letter dated November 4, 2003 in which you enclosed the above-referenced patent application as filed with the United States Patent and Trademark Office. Before we seek to have the documents reviewed by Mark Van Dyke and Cheryl Blanchard, could you please inform me if the instant application is the same one that was filed by Paula Morris under Patent Application No. 60/255,517?

If the patent application is not identical to the 60/255,517 patent application, could you please provide redlined copies?

Sincerely yours,



Louis Rodriguez
Deputy General Counsel

LR/gkb



Vinson & Elkins
ATTORNEYS AT LAW

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tcorder@velaw.com

November 10, 2003

Via Facsimile No. 210-522-5839

Louis Rodriguez, Esq.
Southwest Research Institute
6220 Culebra Road
P.O. Drawer 28510
San Antonio, TX 78228-0510

Re: *U.S. Patent Application S.N. 10/606,279 for "KERATIN-SILICONE COPOLYMERS AND INTERPENETRATING NETWORKS (IPN's), METHODS OF PRODUCTION AND METHODS OF USE THEREOF" by Mark E. Van Dyke et al.*
Our Ref. No.: KER020/4-025US; Client Ref. No.: Case 19
ACTION: PLEASE RETURN EXECUTED DOCUMENTS BY NOVEMBER 14, 2003

Dear Mr. Rodriguez:

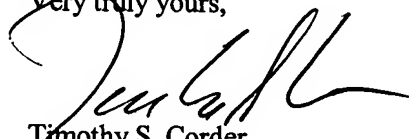
Thank you for responding to my letter of November 4, 2003. Unfortunately, I do not have an electronic copy of the provisional application No. 60/255,517 and cannot create a redlined copy of the application that was sent to you.

Since this application is not lengthy, it doesn't appear to present any undue burden on the listed inventors to review the application as requested. Although we would hope to have your cooperation in this matter, if you refuse to do so, we will prosecute the application without the signatures of the inventors, as I previously stated.

I would like to repeat that if I do not receive an indication that the listed inventors will cooperate in the prosecution of this application by November 14, 2003, I will take that as an indication that the listed inventorship is correct and that the co-inventors, Drs. Van Dyke and Blanchard refuse to join in the prosecution. The application will then be prosecuted without their signatures.

Please contact me if you have any questions concerning this matter.

Very truly yours,



Timothy S. Corder
Patent Agent

9282:5588

397904_1.DOC

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November 14, 2003

Mr. Timothy S. Corder
Patent Agent
Vinson & Elkins L.L.P.
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746

Via Facsimile
(512) 236-3377

Re: U.S. Patent Application Serial Number 10/606,279 for *Keratin-Silicone Copolymers and Interpenetrating Networks (IPN's), Methods of Production and Methods of Use Thereof*

Dear Mr. Corder:

I appreciate your prompt response to my letter. You are mistaken in your belief that SwRI will not cooperate with Keraplast in the prosecution for the above referenced patent application. I am somewhat disappointed that you did not include in your response an answer to my question about the patent application. Be assured that your answer is very important to our review, and you, as the drafter of the filed application, are the only one who can definitively answer my question.

The first matter you should consider is whether it is proper to file this application. The SwRI inventors are of the view the invention described does not work. The inventors' conclusion was described in a written report provided to Keraplast in early 2001. This fact was also expressed to you by Dr. Cheryl Blanchard over the telephone. If you have added disclosure to the original provisional application, please point that out so the SwRI inventors can expedite their review. If there is no additional disclosure, please explain your reasons for going forward with this application.

Aside from the problem of the invention failing to work as intended, Dr. Van Dyke and Dr. Blanchard both have indicated that Dr. Robert Allen Smith was not a co-inventor of the Invention Disclosure, SwRI ID No. 2844, entitled *Keratin-Silicone Copolymers and Interpenetrating Networks (IPN's), Methods of Production and Methods of Use Thereof*, that gives rise to the above-identified patent application, and he was not listed as an inventor when Paula Morris filed provisional patent application 60/255,517. Could you explain to me the basis for listing Dr. Smith as an inventor in this patent application?

I also fail to see why you need SwRI and the SwRI inventors to execute the assignment documents included with your letter. For your information, on January 24, 2001, executed assignment documents were transmitted for SwRI ID No. 2844. These documents included a fully executed assignment from Dr. Blanchard and Dr. Van Dyke to SwRI, as well as a fully executed assignment from SwRI to Keraplast. If the application has not changed following the execution of these assignments, then the execution of new assignments should be unnecessary.

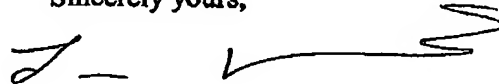


DETROIT, MICHIGAN (248) 353-2550 • HOUSTON, TEXAS (713) 977-1377 • WASHINGTON, DC (301) 881-0226

Mr. Timothy S. Corder
November 14, 2003
Page 2

Finally, in your correspondence you did not provide me with any information on how SwRI's fees and expenses incurred in reviewing the patent application will be paid by Keraplast, as required by the executed assignment documents. Currently, Keraplast does not have any agreement in place with the Institute to compensate the Institute for this effort.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Louis Rodriguez', with a stylized flourish at the end.

Louis Rodriguez
Deputy General Counsel

LR/gkb